

Message Text

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44

ACTION ARA-10

INFO OCT-01 ISO-00 ARAE-00 CIAE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 AID-05

EB-07 IGA-02 OMB-01 SAM-01 /073 W

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P 211504Z MAY 76

FM AMEMBASSY BOGOTA

TO SECSTATE WASHDC PRIORITY 5207

SECDEF WASHDC PRIORITY

TREASURY WASHDC PRIORITY

INFO USCINCSO

C O N F I D E N T I A L BOGOTA 5028

DEFENSE FOR ISA (SA)/DSAA: STATE FOR ARA LUERS AND PM VEST

FROM THE AMBASSADOR

E. O. 11652: GDS

TAGS: MASS, CO

SUBJECT: SIGNING OF FMS CREDIT AGREEMENT WITH COLOMBIA

REF: A) SECDEF MESSAGE 141336Z MAY 1976; B) MILGRP BOGOTA

MEESAGE 182000Z MAY 76

1. WE ARE FACING ONE OF THOSE BUREAUCRATIC SNARLS THAT RISKS ADVERS AND ANNECESSARY DAMAGE TO OUR MILITARY ASSISTANCE PROGRAM AND TO OUR RELATIONS WITH GOC AND COLOMBIAN MILITARY. IN A NUTSHELL, WE HAVE OFFERED COLOMBIA A \$16 MILLION FMS CREDIT AND THE GOC HAS ACCEPTED IN PRINCIPLE. THE MOD WANTS THE CREDIT, IS COUNTING ON IT, AND HAS MADE PLANS TO USE IT. THE ISSUE THAT HAS ARISEN IS HOW TO SIGN THE AGREEMENT. COLOMBIAN LAW REPT LAW REQUIRES AGREEMENTS OF THIS NATURE TO BE APPROVED BY THE CABINET AND SIGNED BY THE PRESIDENT. TREASURY IS INSISTING THAT THE AGREEMENT MUST BE SIGNED IN WASHINGTON WITH THE COLOMBIAN AMBASSADOR. THE ONLY ARGUMENT THAT HAS BEEN PRESENTED TO US WHY THAT IS NECESSARY IS THAT THAT IS
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THE WAY IS HAS ALWAYS BEEN DONE. ("ALL FMS CREDIT

AGREEMENTS WITH FFB ARE SIGNED IN WASHINGTON".)

2. ALTHOUGH MILGRP BOGOTA HAS EXPLAINED SEVERAL TIMES THAT GOC HAS NO FLEXIBILITY AND THAT BY LAW SUCH A LOAN AGREEMENT MUST BE SIGNED BY THE PRESIDENT TO HAVE LEGAL EFFECT, WE KEEP GETTING BACK SUGGESTIONS ABOUT HOW THE EMBASSY SHOULD PERSUADE THE GOC TO BE FLEXIBLE. REF A TELLS US THAT "TREASURY IS NOT INCLINED TO CHANGE THE SIGNATORY PROCEDURE", AND THEN SUGGESTS IN EFFECT THAT THAT BEING THE CASE THE GOC WILL JUST HAVE TO CHANGE ITS PROCEDURE. IT MAY BE THAT TREASURY OFFICIALS PREVIOUSLY FAMILIAR WITH COLOMBIA OR PAST COLOMBIAN PRACTICE DO NOT REALIZE THAT THE LEGAL REQUIREMENT WE ARE TALKING ABOUT IS A NEW ONE EFFECTIVE SINCE LAST JANUARY. (PLEASE SEE ALSO AID AIRGRAM A-28 ON THIS SUBJECT.) I ASSURE ALL CONCERNED THAT THIS NOT BUREAUCRATIC JOCKEYING AS BETWEEN WASHINGTON AND BOGOTA. I TRUST THAT REF B HAS NOW MADE CLEAR THAT WHATEVER WE ARE TALKING ABOUT IS A FLAT LEGAL REQUIREMENT WHICH NEITHER THE COLOMBIAN PRESIDENT NOR THE CABINET CAN CHANGE. ONLY CONGRESSIONAL ACTION CAN CHANGE IT AND THAT IS IMPOSSIBLE BY THE FMS DEADLINE DATE. THE GOC HAS NO REP NO DISCRETION OR FLEXIBILITY. THERE IS NO RPT NO WAY BY WHICH THE COLOMBIAN AMBASSADOR IN WASHINGTON CAN BE AUTHORIZED TO SIGN THE LOAN AGREEMENT WITH BINDING EFFECT. THE COLOMBIAN THEREFORE CANNOT GET US OUT OF THE SIGNATURE IMPASSE; IF WE ARE TO EMERGE FROM IT WE HAVE TO DO SOMETHING.

3. REF B MAKES SOME SUGGESTIONS AS TO WAYS TO RESOLVE THIS MATTER. IF THESE ARE NOT SATISFACTORY, THERE MUST SURELY BE SOME OTHER ACCEPTABLE FORMULA SINCE I DO NOT BELIEVE THAT A RESOLUTION OF THIS IMPASSE IS BEYOND WASHINGTON'S WIT AND IMAGINATION.

4. IT MAY BE THAT WE WILL NOT BE ABLE TO CONCLUDE THE FMS AGREEMENT FOR OTHER REASONS. BUT IF WE FAIL TO DO SO BECAUSE THE USG ADAMANTLY INSISTS ON A SIGNATORY PROCEDURE THAT IS ILLEGAL FOR COLOMBIANS, THEN CON
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SEQUENCES IN TERMS OF OUR RELATIONS WILL NOT BE HARD TO IMAGINE. THEREFORE I ASK THAT ALL CONCERNED PLEASE DO WHAT THEY CAN TO LEFT THIS MATTER OUT OF THE BUREAUCRATIC MORASS INTO WHICH IT HAS FALLEN, AND FIND A WAY TO DO WHAT WE HAVE TO DO TO CARRY OUT THE LARGER US INTEREST IN COLOMBIA.
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